

THE HONORABLE BARBARA J. ROTHSTEIN

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

MATTHEW BRACKMAN, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

T-MOBILE USA, INC.,

Defendant.

No. 2:21-cv-01277-BJR

**STIPULATED MOTION AND ORDER
TO STAY PROCEEDINGS PENDING
JPML'S RULING ON TRANSFER**

**STIPULATED MOTION TO
STAY PROCEEDINGS
(No. 2:21-cv-01277-BJR) - 1**

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Under Western District of Washington Local Rules 7(d)(1) and 10(g), Plaintiff Matthew Brackman and Defendant T-Mobile USA, Inc. (together “the Parties”), move the Court to stay all proceedings and deadlines in this action pending a ruling by the Judicial Panel on Multidistrict Litigation (“JPML”) on the pending motion to transfer under 28 U.S.C. § 1407. *See In re: T-Mobile Customer Data Sec. Breach Litig.*, MDL No. 3019 (ECF No. 1). In support of this motion, the Parties state:

Plaintiff filed this case on September 21, 2021 and served T-Mobile on September 28, 2021. *See* ECF No. 1. Plaintiff alleges T-Mobile failed to adequately safeguard the personal information of its customers from a criminal third-party actor. *Id.* The plaintiffs in over 30 putative class actions have made similar allegations against T-Mobile based on the data-security incident. *See In re T-Mobile*, MDL No. 3019 (ECF Nos. 1-1, 2, 8-1, 11, 20, 48, 62, 65). These cases are pending in over eight federal judicial districts. *See id.*

Good cause exists for a stay because—given the number of similar, overlapping cases—it is likely the JPML will grant the pending motion to transfer and coordinate or consolidate the related cases for pretrial proceedings under 28 U.S.C. § 1407. *See id.* (ECF No. 1). This case was noticed to the JPML because of its related nature. *See id.* (ECF No. 65). In order to conserve judicial resources and the resources of the Parties in addressing multiple, related putative class actions, the Parties agree to this stay. Under these circumstances, “[c]ourts frequently grant stays pending a decision by the MDL Panel regarding whether to transfer a case.” *Good v. Prudential Ins. Co. of Am.*, 5 F.Supp.2d 804, 809 (N.D. Cal. 1998); *see Short v. Hyundai Motor Am. Inc.*, No. C19-0318JLR., 2019 WL 3067251 (W.D. Wash. July 12, 2019) (granting stay pending JPML’s ruling on Section 1407 motion); *Gonzalez v. Merck & Co.*, No. 07-cv-3034, 2007 WL 2220286, at *2 (E.D. Wash. Aug. 2, 2007) (granting defendant’s motion to stay pending transfer decision

1 and noting that “well settled case law . . . dictates a stay should be granted to promote judicial
 2 economy”); *Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1362 (C.D. Cal. 1997) (granting stay
 3 pending JPML’s ruling because “a majority of courts have concluded that it is often appropriate to
 4 stay preliminary pretrial proceedings while a motion to transfer and consolidate is pending with
 5 the MDL Panel”); *Bonefant v. R.J. Reynolds Tobacco Co.*, No. 07-cv-60301, 2007 WL 2409980,
 6 at *1 (S.D. Fla. July 31, 2007) (“[I]t is common practice for courts to stay an action pending a
 7 transfer decision by the JPML.”).

8 And like most courts, this Court recently stayed six cases pending the JPML’s ruling on a
 9 motion to transfer. *See Donovan v. T-Mobile USA, Inc.*, No. 2:21-cv-01138-BJR (W.D. Wash.
 10 filed Sept. 15, 2021) (ECF No. 12); *Akins v. T-Mobile USA, Inc.*, No. 2:21-cv-01179-BJR (W.D.
 11 Wash. filed Sept. 15, 2021) (ECF No. 8); *Hughes v. T-Mobile USA, Inc.*, No. 2:21-cv-01139-BJR
 12 (W.D. Wash. filed Sept. 17, 2021) (ECF No. 14); *Villalon v. T-Mobile USA, Inc.*, No. 2:21-cv-
 13 1148-BJR (W.D. Wash. filed Sept. 17, 2021) (ECF No. 11); *Espanoza v. T-Mobile USA, Inc.*, No.
 14 2:21-cv-1119-BJR (W.D. Wash. filed Sept. 17, 2021) (ECF No. 29); *Huerta v. T-Mobile USA,*
 15 *Inc.*, No. 2:21-cv-01183-BJR (W.D. Wash. filed Aug. 31, 2021) (ECF No. 10). The Court should
 16 do so again and grant the Parties a short stay of proceedings until the JPML rules on the pending
 17 motion to transfer under Section 1407.

18
 19 Dated: October 5, 2021

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ORDER

IT IS SO ORDERED.

Dated this 6th day of October 2021.

s/Barbara J. Rothstein

Barbara J. Rothstein
U.S. District Court Judge

Presented by:

By: /s/ Steve Y. Koh

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